

monitor the condition of workers in Thailand, with hotline services and immediate assistance to be available as needed. Funding is necessary for this, including support to overnight rest home facilities.

- ❖ Collaborate with international organizations, NGOs, civil society organizations, and other stakeholders and institutions working on migration issues in Thailand and Cambodia to promote protection of workers.
- ❖ Provide migration education and pre-departure orientation for potential cross-border migrant laborers.
- ❖ Consider engaging with brokers to discourage irregular, including illegal, migration.

## Recommendations for Thailand

- ❖ Include labor migration and management in the national socioeconomic development plan corresponding to the long-term labor need forecast. Develop coherent and consistent policy framework and regulations.
- ❖ Develop a flexible migration policy and registration procedures for different types and durations of work. For example, seasonal agricultural workers near the border to be allowed to register locally; workers on fishing trawlers who may be at sea for long periods to be allowed to register in the province at any time of the year.
- ❖ Work with Cambodia to develop multiple-track procedures for migration management in order to regularize irregular migrants as well as facilitating fast, affordable, orderly admission by means of the MoU.
- ❖ Expand legal and social protection in the Labor Protection Act to give comprehensive coverage of all production aspects in fishing, agriculture, and domestic work (the sectors that absorb the most Cambodian migrant workers), as is the case with other sectors covered by the Act. Ensure the law is enforced and accessible by migrant workers.
- ❖ Comply with international labor practice. Make work accident compensation available to migrant workers.
- ❖ Establish an effective complaints mechanism with translators and facilitate access to the justice system.
- ❖ Develop more economic zones near the border for cross-border workers using day passes.
- ❖ Recognize the contribution of migrant workers and promote public understanding of migrant workers and their integration into Thai society.

## References

- Association of South East Asian Nations (2007) "ASEAN declaration on the protection and promotion of the rights of migrant workers." Cebu, 13 January.
- Human Rights Watch (2010) "From the tiger to the crocodile: Abuse of migrant workers in Thailand." Available at <http://www.hrw.org>.
- Imson, M.G. (2009) "The Philippine approach in managing temporary migration for development." Presented at the Ad Hoc Expert Meeting on the Contribution of Migrants to Development: Trade, Investment and Development Links. Geneva, 29 July.
- Maltoni, B. (2006) "Review of migration dynamics in Cambodia." Phnom Penh: IOM.
- Martin, P. (2007) "The contribution of migrant workers to Thailand: Towards policy development." Bangkok: ILO.
- Rukumnuaykit, P. (2009) "A synthesis report on labour migration policies, management and immigration pressure in Thailand." Bangkok: ILO.
- Sopha, C. (2009) "A review of labor migration management, policies and legal framework in Cambodia." Bangkok: ILO.
- Vasuprasert, P. (2008) "Inter-state cooperation on labour migration: Lessons learned from MOUs between Thailand and neighbouring countries." Bangkok: ILO.
- Vasuprasert, P. (forthcoming) "Draft agenda for labour migration policy in Thailand." Bangkok: ILO.
- World Bank (2006) "Labor migration in the Greater Mekong Sub-region. Synthesis Report: Phase I." Washington, DC: World Bank.

# Improving labor migration processes and protection of migrant workers from Cambodia to Thailand: Issues and recommendations

**"Labor migration is a process to be managed, not a problem to be solved."**

*Philip Martin, migration expert*

The flow of migrant workers from Cambodia to Thailand has increased sharply in recent times. As of early 2010, it is estimated that there are at least 250,000 registered and unregistered Cambodian migrants in Thailand. Most migrants cross the border using irregular channels.

## Labor migration, benefits, and costs

- ❖ Migrant workers contribute to the Thai economy by expanding the contribution of labor-intensive sectors to the country's gross domestic product (GDP), while the lower cost of labor makes Thai exports more competitive.
- ❖ Worker remittances support households back in Cambodia.
- ❖ Benefits are generated at high human cost to migrant workers and their family members, for example debt, poor health, disability, family breakdown, and single parenthood.
- ❖ Restrictive policies and harsh enforcement of immigration and administrative regulations put unskilled migrants in precarious situations, where working conditions are unsafe and where they are vulnerable to abuse and exploitation.
- ❖ The fishing industry, in which many Cambodians work, records high numbers of injuries and is characterized by arduous working conditions.
- ❖ Although complaints mechanisms are in place at provincial level in Thailand where migrants can access legal protection, access to these is difficult and communication is a problem. Meanwhile, undocumented workers may be reluctant to complain because, although they may receive compensation, they may also be sent back home.
- ❖ Human Rights Watch in early 2010 reported cases of abuse of migrant workers in Thailand.

## PROMDAN project experience

In 2000-2010, nongovernmental organizations (NGOs) in Cambodia and Thailand worked together on a project called PROMDAN, which promoted informed and safer migration of Cambodians to Thailand as well as making health and a number of legal support services available to Cambodian workers. Project activities focused on Prey Veng and Kampong Cham provinces in Cambodia and Rayong in Thailand. The key outcomes and lessons were as follows:

- ❖ Pre-migration education resulted in informed and planned migration.
- ❖ Returned migrants reported more successful migration experiences.
- ❖ Collaboration between NGOs and health authorities in Cambodia and Thailand resulted in increased understanding and access to essential health services among migrants.



**Cambodian Women for Peace and Development**  
#128 D9-D10, St Sothea  
Sangkat Tonle Sap  
Khan Chamkorn  
Phnom Penh, Cambodia  
[www.cwpd.net](http://www.cwpd.net)



**PATH**  
37/1 Soi Petchburi 15  
Petchburi Road  
Bangkok 10400  
Thailand  
[pathbangkok@path.org](mailto:pathbangkok@path.org)  
[www.path.org](http://www.path.org)



**PATH**  
#22 Street 184  
Phsar Thmei III  
Daun Penh District  
Phnom Penh, Cambodia  
[pathcambodia@path.org](mailto:pathcambodia@path.org)  
[www.path.org](http://www.path.org)

- ❖ Improving the livelihoods and the access to rights of a high number of migrants will require system-level changes in the management of labor migration.
- ❖ Relevant government entities in Cambodia and Thailand will need to work together to benefit the people and the economies of the two countries.

## Why does the Memorandum of Understanding (MoU) not reduce “irregular” migration?

In 2003, Thailand and Cambodia signed a MoU to regulate labor migration from Cambodia. Cambodian authorities were also invited to conduct a nationality verification of those already in the country. Implementation of the MoU began in 2006, when Cambodia started to respond through authorized private recruitment agencies. However, the streams of undocumented migrants continue. High costs, a long waiting time and a mismatch between job, skills, and salary expectation all make irregular channels cheaper and faster for migrant workers.

### According to workers:

- ❖ The recruitment fee (of up to \$700), deducted from migrants’ salaries, is too high with respect to the level of wages earned in Thailand.
- ❖ After passing the health screening, potential workers in Cambodia may wait three to nine months before being sent to Thailand. Obtaining a Cambodian passport and a Thai working visa takes many months. During this time, agencies do not provide language training to prepare migrant workers to live and work in Thailand.
- ❖ Once migrants cross the border to Thailand, no assistance is available to help them negotiate with employers.
- ❖ Workers are often told they will get a higher salary than actually materializes, and also have to pay for their own accommodation. Deductions in the first month make it difficult for workers to cope after arrival.
- ❖ Recruitment agencies give minimal or false information about working conditions. Often, workers from rural backgrounds cannot adapt to the strict working conditions involved in production or processing lines, which has led some of them to break their contracts.

### A case reported in Prey Veng

Three workers lodged a complaint to Cambodian Women for Peace and Development (CWPD) in September 2008. The workers had been informed by a recruitment agency that they would have 20,000 baht deducted from a two-year contract with a factory. The workers went to Thailand and worked for one year, with the factory deducting 1,500 baht from their salaries each month. After 12 months, the Thai supervisor informed them that the total deduction would be 24,000 baht, showing them the contract, which included a clause to this effect. The workers contacted agency staff in Cambodia, who continued to claim that the deduction would be 20,000 baht but refused to fax them the contract. The workers were told to return to Cambodia and that the agency would find them a new job. The workers tried to negotiate with the factory to reduce the total deduction to 22,000 baht but the employer did not agree. The workers decided to stop work and return to Cambodia. That day, the employer took the workers to an immigration office to terminate their visas. The workers left their place of work at 6pm and arrived at Poipet border immigration post at 9pm, too late to cross over into Cambodia. That night, they slept in a public park. When they crossed the border the following morning they were fined 500 baht each for overstaying their visas by one day. Back in Cambodia, the workers tried to find the recruitment agency office but it was closed. The workers want to know if any other agencies can find new jobs for them or reestablish contact with the factory in Thailand so they do not lose all the money deducted from their salaries. Workers felt that Thailand should allow adequate time for workers to travel back to the border after their contracts are terminated.

## Migrant workers and national economic development

Despite having relied on migrant workers for low-skill work for over a decade, with an estimated two million migrants in the country, Thailand has yet to include management of migrant workers in its national economic development planning. Management of the migrant workforce has been ad hoc, inconsistent, and ineffective, with cases of abuse reported (Human Rights Watch, 2010). As Thailand stands to gain in the long term from imported labor, the International Labour Organization (ILO) strongly urges that migrant management systems be overhauled to include forward-looking migration policies so that workers receive the fair entitlements and protection they deserve. In the source country, robust migration management systems, such as that of the Philippines, and a proactive working relationship with the destination country not only enable migrant remittances to become a key part of the national income but also ensure that workers abroad are protected.

### It takes two to work

“International migration involves nationals of two nation states. Cooperation between governments of countries sending and receiving migrants is needed to protect migrants and minimize smuggling and trafficking.”

*Philip Martin, 2007*

## Implementation of regional plans and commitments

While governments have been slow to take concrete steps toward the realization of the Association of South East Asian Nations (ASEAN) Community in 2010, the presence of a high number of Cambodian migrant workers in stronger economies such as Thailand indicates that such integration is already taking place, albeit in an unplanned manner. Protection and promotion of migrant workers’ rights feature strongly in both the ASEAN Integration Strategic Framework (2009-2015) and the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers 2007, known as the Cebu Declaration, to which both Cambodia and Thailand are parties. Governments of sending and receiving countries need to strengthen their cooperation to maximize the positive effects of migration and minimize the negative impacts, so as to be able to respect the human rights of migrants irrespective of their legal status.

- ❖ The migration policy framework should take into account economic, protection, and social integration aspects relating to migrants.
- ❖ Senior-level consultation should take place in reviewing the implementation of the MoU and any necessary changes should be made so that the welfare of and benefits for workers deployed by means of the MoU are better than they would be through irregular migration.

## Recommendations for Cambodia

- ❖ Promote economic development and investment to create more job opportunities in high-population, high-migration provinces such as Prey Veng and Kampong Cham.
- ❖ Facilitate informed, transparent, and affordable migration.
- ❖ Department of Employment and Manpower of the Ministry of Labor and Vocational Training (MoLVT) to be responsible for recruitment, records, and enforcement of rules and regulations, including processing worker complaints.
- ❖ Monitor the activities of private recruitment agencies with regard to placement of workers, costs, pre-departure training, and information provided to workers on salaries and working conditions, and cancel licenses in cases of malpractice.
- ❖ MoLVT to develop a public recruitment system to provide workers with an alternative and reliable channel for migration.
- ❖ Cambodian Embassy in Bangkok to establish a labor office with a trained labor attaché, a welfare officer, and support staff, develop a strong working relationship with Thai counterparts, and provide support to and